


HISTORY OF FLORIDA SCHOOL LEGISLATION  
FOR MAINTENANCE: ITS PRESENT TREND  
AND EFFECT ON SCHOOLS

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BY

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HISTORY OF FLORIDA SCHOOL LEGISLATION FOR  
MAINTENANCE: ITS PRESENT TREND AND EFFECT  
ON THE SCHOOLS.

From the time Florida was admitted to the Union as a state in 1845 there have been very few laws passed relating to the public schools. The Legislature avoided many such acts dealing with academic and other private schools by passing a general law in 1846 to take care of such schools. In 1849 the first general school law was passed to provide for the establishment of common schools in the state, open to all white students between the ages of five and eighteen. The control of these schools was placed in the hands of the State Land Office Registrar. Judges of probate court in each county were to control the county system and a board of trustees in each were elected by district qualified voters. The law set out in detail the duties of State Superintendent, County Superintendent and Local Trustees.

Between 1845 and 1861 Chochron states that considerable educational progress was made and that a school law well adapted to the needs of the people and to the condi-



tions had been evolved. This favorable condition was brought about by the havoc wrought during the Civil War. \*

In 1886 the constitution adopted, went into detail in regard to the organization of the public schools for both white and black. It provided a state superintendent and a board consisting of the state superintendent, the secretary of state, and the attorney general. The schools were to be supported from a general fund and a tax of not less than one mill on a dollar of all taxable property. This money was to be apportioned among the counties in proportion to the number of school age children living in the county between the ages of six and twenty one; and the special school districts were to raise a sum equal to one half of the state fund thru local levies. If local districts failed to maintain school at least four months of the year they lost the state money. This law also provided for a county superintendent, a local board in each district, and two supervisors to aid the county superintendent and a county board.

Note: \* Thesis History of Public Schools of Florida.



From 1869 to 1900 there were only two laws enacted, neither of importance.

The absence of school legislation is attributed to the fact that there are no separate city systems, city superintendents and boards taking care of the city children with their wealth while the poorer rural children struggle along. The county is the school district unit, and all schools, city and county alike share in the county educational fund. All come together and are under the government of the county school boards of public instruction and supervision of the county superintendent and are subject to the same state law. The powers and duties of the county boards were uniform thruout the state and left very little need for special legislation as they,

1. Hold title to all county school property and manage it for the interest of education.
2. Have authority to locate and maintain schools in every locality where needed.
3. To appoint supervisors for the schools on the recommendation of the patrons.
4. To select and provide a site for each schoolhouse,



this site not to be less than one half an acre in rural districts and as near that size as possible in cities and villages.

5. To do whatever is necessary with regard to purchasing or renting sites, premises, constructing, repairing, furnishing, warming, ventilating, keeping in order, or improving schoolhouses, outbuildings fences, land, and movable property; procuring property for the schools; grading and classifying pupils and providing separate schools for the different races in such a manner as will secure the largest attendance of pupils, promote harmony and advancement of schools; and establishing, when required by the patrons, schools of higher grades of instruction where the advancement and number of the pupils require them.

6. To employ teachers, contract with them and pay them; provide schools which are not to be nearer to each other than three miles, unless for some local reason or necessity.

7. To audit and pay all accounts due by the board of public instruction.



8. To keep accurate accounts and records.
9. To prepare and file with the clerk of the circuit court of the respective counties by the first Monday of the month an itemized statement of finances.
10. To prescribe courses of study.
11. To perform all acts reasonable and necessary for the promotion of the educational interests of the county and the general diffusion of knowledge among the citizens.
12. To hold regular meetings for the transaction of business and to convene when necessary in special session.
13. To prepare on or before the last Monday in the fiscal year an annual estimate of the sums needed for the maintenance of the schools for the next scholastic year.
14. To select candidates for admission to the state colleges and seminaries.
15. To examine at least twice a year the books and records of the tax collector, and to require prompt settlement for all poll taxes assessed together with



those not assessed but collected.

The next troublesome time in Florida's school seemed to have come in 1900 and still is going on, having passed two hundred and forty six special school laws between 1900 and 1925. Most of these laws had to do with bond issues of local counties and districts and creating or modifying of local districts, and validation of previously undertaken proceedings of local districts or school authorities.

Much of the procedure is unsound from the standpoint of educational financing and administration. Some of these enactments permitted individual districts and counties to bond themselves over a long period for such expenditures as current expenses and liquidation of outstanding indebtedness. There are opportunities for communities to embark upon unsound financial policies. These should be covered by general school laws.

A broadening of the general school code to include such adjustments as are set forth in most special legislation and the delegation of additional administrative and judicial powers to state educational officials will do away with these acts.



General Laws of Florida 1933;

House Bill No. 1601 Chapt. 16172 (n315)

All monies in treasury known as unappropriated shall be turned over to the various counties to be used for school purposes.

Senate Bill No. 736 Chapt. 16171 (n314)

Authorizing county boards to borrow up to 80 percent of reasonably expected income at not more than 8 percent interest.

House Bill No. 1034 Chapt. 16175 (n316)

Creating an indebtedness fund in all the counties of the state having population not less than 9,000 or more than 10,000. This fund made up of race track money, poll tax, and other money to be used only to pay salaries.

Chapt. 16170 (no. 313) 1933 Joint committee substitute Bill passed and approved May 31, 1933.

AN ACT relating to the establishment and maintenance of a Uniform System of Free Public Schools in the State of Florida; creating a teacher salary fund in each county of the state; authorizing the State Board of Education to fix the maximum Salary of Teachers in the Public



Free Schools of the State payable out of the teachers salary fund of the several counties; Defining the supervisory powers and duties of the State Board of Education over schools of higher grade, and defining what shall constitute schools of higher grades within the meaning of this act; Authorizing the State Board of Education to fix and determine the establishment, classification and character of all schools of higher grades which shall receive state aid and to determine the course of study therein and to provide for the employment of assistants to the State Superintendent of Public Instruction and to prescribe duties of and fix the compensation of such assistants, and to provide for a uniform system of accounting, budgets, records, audits and reports by county boards of public instruction and county budget commission and to have certain powers with reference to transportation of pupils including equipment of vehicles and qualification of drivers, and to have powers of examination, supervision and revision of school budgets in counties not levying a certain millage for school purposes; prescribing certain additional duties of the State Treasurer and State Superintendent of Public Instruction; providing that title to all property held for educational purposes by



Trustees of Special Tax School Districts in any county shall be vested in the Board of Public Instruction for said county; providing that the State Treasurer shall be ex-officio treasurer and depository for a designated portion of the County School Fund of each county and providing the manner and for what purposes said funds so held by the Treasurer shall be expended. Abolishing the position of State Supervisor of High Schools and the position of Rural School Inspectors, the position of Buildings and Building Standards and to provide the penalties for violation of this act; and repealing all laws creating and providing for the positions so abolished, and repealing all laws or parts thereof in conflict with this act.

You can see from the foregoing that a State Board composed of the State Superintendent of Public Instruction, State Treasurer and the State Secretary has been given very wide powers.

The State Legislature in 1934 passed an act exempting all property classed as Homesteads used as actual homes, valued up to \$5,000 and including 160 acres of land in the



country from all state and county tax. This reduced from the school fund about three million dollars and the Legislature of 1935 in order to make up this fund passed the so called Chain Store Act which would offset the exemption loss, However, since that has been declared unconstitutional the schools, unless something radical is done will suffer nearly fifty percent cut in total revenues for the year.

Injunction proceedings were brought by chain drug and grocery stores against State Comptroller Lee to enjoin him from collecting fees under the \$4,000,000 occupational license and gross receipt tax law. The first unfavorable decision was given by Circuit Judge J. B. Johnson of Tallahassee, holding the act unconstitutional.

The act was passed during the closing hours of the 1935 legislature as a part of the program to raise \$10,000,000 annually for the public schools. It was passed after efforts to enact a general sales tax had failed.

Representatives of the chain stores claimed that the act was vicious and that its purpose was to drive all multiple store concerns from the state. Legislators sponsoring the bill said it sought to classify business



according to the privilege enjoyed and explained the chain stores would be forced to raise their prices to the extent of the tax. The occupational license fees range from \$10 to \$400 annually and the gross receipts tax from one half of one percent to five percent, each graduated according to the number of stores operated by retail concerns. The three judge court held the act invalid because it was not based on any reasonable classification, it being on the contrary, discriminatory and contrary to all state constitutional property rights.

House Bill No. 433.

AN ACT authorizing the county boards of public instruction of the several counties of the state of Florida to borrow money for the purpose of paying past due salaries of teachers and bus drivers; providing a maximum interest rate; permitting the pledging of moneys received from the redemption of delinquent taxes or tax sale certificates covering taxes levied for operating expenses, as security for such borrowed money.

In the past the teachers and others had to wait until the finances of the schools caught up to the out



go. In a great many cases the teachers could not afford a high rate of interest in order to carry on in summer school or to pay bills, a very sad situation to be in.

House Bill No. 646.

AN ACT authorizing and empowering county boards of public instruction in the state of Florida to invest sinking funds collected to retire bonds of special tax school districts in United States Government Bonds guaranteed by United States and being cumulative of the powers contained in Section 15 of Chapter 6542, Laws of Florida, Acts of 1913, as Amended by Chapter 6967, Laws of Florida, Acts of 1915, Relating to Subject Matter Hereof.

This act served the purpose of keeping the money working and also kept it from being unwisely used or from being lost in insolvent banks. This was a step in the right direction.

House Bill No. 228.

AN ACT to amend the law passed in 1925 furnishing free text books to the first six grades of the public free schools of the state of Florida



to include the high schools of the state.

Also to provide for the levying and collecting of a tax for this purpose.

This in itself does not seem like a step in the direction of school finances but it is, since it saves a great deal of money for the individual and I believe that in a few years it will aid greatly in standardizing the schools. Until this time each school would have any book which the principal deemed fit or the state superintendent wanted. Now we will have fewer and better changes.

House Bill No. 370.

AN ACT to amend Chapter 14892, Laws of Florida, Acts of 1931, being "An act providing for a minimum of eight months free schools in the several counties of the state of Florida, in both elementary and high schools each year; providing for an appropriation to increase the county school fund and regulating the expenditures of such fund, and providing that all laws and parts of laws in conflict with this act be repealed" so as to provide for an appropriation



to the county school fund according to the number of instruction units as defined by law in the state during the preceding scholastic year; and to provide for the payment of such appropriation to the county school fund in eight monthly installments as nearly equal as practicable; and providing that such appropriation shall be on a parity and of equal dignity with all other state appropriations, except those specifically enumerated herein and shall not be diminished for insufficient revenue or otherwise in greater proportion than said state appropriations are diminished; and repealing all laws or parts of laws in conflict herewith.

Until this time, there was no assurance that the schools would run any definite time or would have any definite income from the state. This is thus a very forward movement for financial security.

House Bill No. 956.

AN ACT relating to the operation and maintenance of the public free schools of the state of Florida providing for the establishing of a budget system for county boards of public instruction;



prescribing the methods of preparing and adopting budgets levying taxes, making expenditures and accounting for county and special tax school district funds; prescribing penalties for the violation of this act; and providing repeal of all laws in conflict with this act.

This law probably more than any other passed in the last ten years will have a noteworthy affect since it will put in figures the exact amount of money handled by the various boards, and how it has been spent and how it will be spent the next year. It is now necessary for each school and district to make a budget of how it proposes to spend its next years income. Then it must be passed upon by the county board and incorporated with the budgets of other districts to make the superintendents budget which in turn must be passed upon by the county board and state superintendent. This was a wise act to help regulate school expenditures.

Senate Bill No. 296.

AN ACT to authorize the state superintendent of public instruction to prepare a proposed revision and codification of the laws of Florida relating



to education; to authorize the appointment of a special legislative committee on revision and codification of school laws, to receive the report and proposals of the state superintendent of public instruction when completed and not later than February 1, 1939; to authorize compensation and expenses of this committee as an item of legislative expense; and to provide for this committee to examine the proposed revision and codification of school laws as submitted by the state superintendent of public instruction and to make its report and recommendations to the legislature at its next biennial session.

This is a much needed revision and will help a great deal in making the schools of Florida the qual of other states. There is now a great confusion in the various laws and duties of the individuals of the state.

Colin English, State Superintendent, in a statement at Daytona Beach said that "Ratification of the Parity Amendment to the state constitution, giving the school system equality with other departments in the distribution



of funds, is the only real way to assure teachers their pay when due."

This year when other departments of the state had an aggregate surplus of nearly six millions, the school fund wound up more than \$500,000 short largely because of a state supreme court decision holding liquor stores and restaurants are not required to pay a gross receipts tax of one half of one percent and ordering a refund.

The Murphy act handicapped school funds by allowing delinquent taxpayers to compromise their obligations, and had cost the schools about \$1,500,000.

As it stands now Florida is in a fair way to have a very good system of schools if the plans of the future go as well as in the past few years. It seems as tho a series of hard times for the whole state has been needed to make the state conscious of the school needs. For the first time in school history in Florida we have had a united front by all who are concerned with the welfare of the children. However, this is not the time to stop; plans must be made and carried out to keep things moving in the right direction.



Florida, as other states, has had and will have to suffer because of selfish business interests which have no interest in the schools, but would rather that the other fellow did the helping.

The trend in legislation seems to point to a strengthening of the state office and the lessening of the powers of the local school boards and to a less extent of the county boards. I believe this a good thing if it does not become a political football and a dictatorial department, unwilling to change and unwilling to take suggestions from the people in the field.

Probably a better direction would be to do away with the county board and keep the local boards and give the county superintendent supervisory powers passed down from the state over the local boards.

A great deal of credit must be given to the Florida Education Association, the Parent Teachers Association, the American Legion, the American Federation of Labor, and to legislators who have been so instrumental during the past few years in uniting along a common front for the betterment of the Florida schools. At no time in Florida.



History has there been such a united effort by every public organization to keep the voting public informed as to the needs of the schools. The teachers group has been the spearhead of attack furnishing the information and the definite needs, so that there would be no waste efforts, and so that no one group would go to extremes. In the past we have had efforts on the part of one group nullified because another group would want to do a different thing. This time the teachers were able to enlist the aid of the others without the usual cry of being treasury robbers.

If they can keep the same plans working and not antagonize any of the groups, I believe that the schools will continue to prosper and the teachers likewise. We need publicity of the right sort. There is plenty of real news to give the public of benefit to the schools without some of the sensational sort so commonly used by publicity seekers, not friends of the schools.



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